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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,971	03/19/2001	Arvind D. Gidwani	CIS00-3846	9268

7590 10/20/2004

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,971

Applicant(s)

GIDWANI ET AL.

Examiner

Geoffrey Akers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment filed 7/28/2004.
2. Claims 1,9,17,18 were amended. New claims 19-22 were added. Claims 3-4 were deleted.
3. Claims 1-2,5-22 including all amended and newly added independent claims are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-2,5-22 are rejected under 35 USC 103(a) as unpatentable over Hanzek(US Pat. No: 6,654,726) in view of Payne(US Pat. No: 6,449,599).The rejections as cited in the Non Final Office Action dated 5/27/2004 are maintained and referenced.

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Response to Arguments

5. Applicant's arguments are not persuasive. A data set in a message comprising a document organized in a predetermined format suitable for use by an ordering application is non functional. No concrete output is produced. It is just a collection of data. As such, Claim 17 is rejectable under 35 USC 101.Hanzek teaches a second data set according to a second predetermined format(col 10 lines 31-50) whereby the vendor manufacturing delivery information is available(Fig 4B/448).Hanzek enunciates a delivery status which may include cases where a purchase has been made.Hanzek(Fig 6/372) teaches order data (Fig 7A/666/640) and order processing of data(Fig 7C/644) as well as an order bank(Fig 7C/656) as well as dealer order processing(Fig 7C/650/654)(Fig 26A) and order information(Fig35/2006).Hanzek further teaches order

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status(Fig 15/1132/1134/1138/1141/1139) and customer order system(Fig 16/1150)(Fig 24).

Payne teaches document processing(Fig 2A/24/26/30/28)(Fig 2C/44)(Fig 2I/102/104)(Fig 4B/152)(col 5 lines 20-50)(col 6 lines 64-col 7 line 6)(col 6 lines 13-18).

Teaching a displayed document(Fig 9) as cited in Payne has encoded control information supporting it in the underlying software.

Conclusion

6. THIS ACTION IS MADE NON-FINAL.

7. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.

October 18,2004



10/18/04

DR. GEOFFREY R. AKERS
PRIMARY EXAMINER